

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45753 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Sudama Yadav, Son of Ramaji Yadav, R/o Village- Makhdupur, Ahara,
P.S.- Kako, District- Jehanabad.
2. Fonu Yadav, Son of Baliram Yadav, R/o Village- Makhdupur Ahara,
P.S.- Kako, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-10-2017

At the outset, learned counsel for the petitioners submitted that as petitioner no.1 Sudama Yadav has already been arrested, he seeks permission to withdraw the anticipatory bail petition on his behalf.

As such, this anticipatory bail petition on behalf of petitioner no.1 is dismissed as withdrawn.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner no.2 apprehends his arrest in Kako P.S.Case No.46 of 2017 instituted for the offence under Sections 147, 148, 341, 323, 324, 307, 504 of Indian Penal Code.

It has been submitted that there is case and counter case between the parties. One of the co-accused, Akhilesh Prasad has filed counter case as Kako P.S. Case No.47 of 2017 for the same occurrence on the same day.



In the instant case, from the written report it appears that there is no allegation of any overt act against the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Kako P.S.Case No.46/17, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Judge-4, Jehanabad, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

AnilKrSinha/-

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